

CARTER'S STORY TOLD

Says Moore Was Trying to Draw

His Pistol When He Shot.

DAUGHTER A GOOD WITNESS.

Claims to Have Seen Decedent Try to
Aight from Buggy.

MRS. CARTER ON THE STAND.

She, Too, Helps to Hear Out the Plea

That Her Husband Was in Danger—

Day of Sensational Surprises—Tex-

timony as to Moore's Reputation.

The seal of silence has at last been removed from the lips of James Penrose Carter, and on the witness stand at the county court-house yesterday he told why he killed Charles Fox Moore, and reviewed the circumstances of the tragedy in all their harrowing and awful details.

He said he shot in self-defense; that Moore rose from his seat in the buggy as though to draw a weapon, and that before the latter could withdraw his hand from beneath his coat where he had thrust it, he shot him. Carter denied that he had premeditated the deed, and said he had done so he had ample opportunity for putting the plans into execution before the fatal Saturday.

His testimony was exceedingly interesting, but the event of the day in the trial was the testimony of Miss Annie Carter, the pretty 15-year-old daughter of an accused witness of the affair, and told of how she had stood at the rear door of their home, on the Hermitage road, and seen her father and Moore meet down the road. She said she heard them engage in conversation—first in low tones, and later in loud voice—and that she then saw Moore start up from his seat as though to spring from the vehicle, and at the same time clasp his hand to his hip as if about to draw a weapon.

CARTER DREW HIS PISTOL.

At about the same instance she saw her father draw his pistol and shoot twice, after which Moore's horse ran out into the road, and she rushed to the front door in time to see him pass. She gave her evidence in a clear, distinct voice, and appeared to be free from embarrassment and thoroughly self-possessed.

While being questioned by counsel for the defense, she answered promptly and freely all interrogatories propounded to her, but under cross-examination grew nervous and restless, and displayed a disposition to argue the points of the case. She declined to make direct answers to the questions asked her, and showed herself to be exceedingly quick at repartee. Several times during the examination she endeavored to interrupt the counsel, and finally had to be spoken to by Judge Wickham, who told her she must answer the questions of the lawyers without comment.

The young lady asserted positively that her father only fired two shots; her mother did likewise, and her father stated



MISS ANNIE CARTER ON THE WITNESS STAND.

most positively that only two shots were fired, denying absolutely that he had ever told any one that more were fired. All three admitted that when the pistol was examined after the murder three shells had been exploded, but this they explained by saying that on the Saturday night previous to the homicide Carter had shot once to frighten off a supposed burglar, and that the weapon had never been reloaded.

HE HAD BEEN IN PRISON.

The prosecution practically concluded its case on Wednesday afternoon, but they had the jury go out in the court-yard yesterday morning to view the buggy in which Moore sat when shot, and to see the hole in the back part of the vehicle, said to have been made by the third bullet from Carter's pistol.

Mr. S. B. Moore, a brother of the deceased, was then put on the stand to testify that the buggy which the jury had examined and that in which his brother was driving were one and the same, and then the defense spring another of those

surprises which they have scattered throughout the case.

Mr. Smith, in a quiet tone, asked the witness if it was a fact that he had served a term in State's prison for a felony, and forced an affirmative answer. The witness was considerably disconcerted by this question, and though he re-strained himself, he grew exceedingly angry, and apparently made no effort to conceal his feelings.

After this sensational episode the prosecution rested its case, and the defense began the examination of its witnesses.

Some little testimony was taken Mr. Smith called to the stand the fact that the jury had been taken out into the yard and returned to the court-house without being polled, and he asked that the record be made to show this in order that an exception might be noted to it. He then inquired of the witness to prove that Carter's unvarying custom was to carry a pistol, and that the fact that he had one with him when he met Moore was no indication that he was expecting that meeting.

MOORE'S REPUTATION NOT GOOD.

Fifteen witnesses from Manchester and elsewhere were then examined, and every one of them testified that Moore, the decedent, was a man of bad reputation, and was considered a dangerous character, especially by those not well acquainted with him.

The attorneys for the Commonwealth cross-examined these witnesses very closely, and in almost every case it was shown that there was some animus behind the testimony. Another point in evidence to which the defense devoted much time was the statement which had been made by witnesses for the prosecution that Carter was in the habit of coming to the city every Saturday. Quite a number of reputable merchants with whom Carter had been accustomed to deal for years testified that he came as frequently to the city on other days as on Saturday, and that it was not his custom to come to town every Saturday.

It was only after all these preliminaries had been disposed of that the daughter was placed on the stand, and after her came her mother and then her father. No effort was made to disprove the evidence given by witnesses for the prosecution that the shots were fired from behind the cart, and at times indulged in an excited harangue to the jury, telling them that he was sorry that he had committed the deed, but that he had shot only with a view to saving his own life. He grew very dramatic as he told how the shots had been fired.

He stood on the stand and held his arm out at full length, and said with a short laugh, when questioned by Mr. Montague as to whether he gave the decedent any warning before firing, that as soon as he saw Moore place his hand behind him he pulled the trigger, and repeated the shot instantly.

JURY EXAMINE THE BUGGY.

When court met yesterday Mr. Montague announced that the prosecution had not quite completed its case, and asked that the jury be sent out while the point was argued. Mr. Wendenburg said the defense would endeavor to prove that Moore was the biggest bluffer in his community, and that he was considered dangerous by those who did not know him. Mr. Wendenburg quoted a gentleman who knew decedent as having said: "If you listen to Charley Moore you would think you would have to enlarge all your graveyards, but if you know him you would not fear him."

Mr. Smith said, in following Mr. Wendenburg, that the defense expected to put the accused on the stand to show that when he met Moore on the road his actions were such as to cause terror in his breast, and the object of the line of testimony being introduced was to show that it was decedent's custom to make such bluffs whenever he thought they would work.

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Mr. Smith said, in following Mr. Wendenburg, that the defense expected to put the accused on the stand to show that when he met Moore on the road his actions were such as to cause terror in his breast, and the object of the line of testimony being introduced was to show that it was decedent's custom to make such bluffs whenever he thought they would work.

Judge Wickham took some exceptions to the use of the word "bluff," and Mr. Smith showed that Webster authorized

rested its case, and the defense called Mr. Hiram W. Gates, a wholesale grocer, of this city, as their first witness. He testified that Carter had dealt with him for three years, or thereabouts, and that, so far as he knew, Carter had no particular day of the week for coming to town. He would come several times a week. Witness, under cross-examination, said that he could not say that it was not Carter's usual custom to come to town on Saturdays, but he admitted that it was the custom of about 60 per cent